

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAR 30 2012

JULIA C. RUDLEY, CLERK
BY: 
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UNITED STATES OF AMERICA)	
)	Criminal Action No. 7:06CR00002
)	Civil Action No. 7:11CV80380
v.)	
)	<u>FINAL ORDER</u>
)	
HARVEY LEE HAYES, JR.,)	By: Hon. Glen E. Conrad
)	Chief United States District Judge
Defendant.)	

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The government's motion to dismiss shall be and hereby is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED WITHOUT PREJUDICE** as successive and **STRICKEN** from the active docket of the court; and
3. A certificate of appealability shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This 29th day of March, 2012.



Chief United States District Judge